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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 ANDRE MATTHEWS, et al.,

16 Defendants.

No. 07-00488 CW/WDB

STIPULATION AND [PROPOSED]
PROTECTIVE ORDER RE: DISCOVERY
OF PERSONAL AND FINANCIAL
INFORMATION

OAKLAND VENUE

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19 With the agreement of the parties, and with the consent of the defendant, the
20 Court enters the following order:

21 Defendant Levi Enriquez is charged with one count of conspiracy to unlawfully
22 transfer or use a means of identification of another, in violation of 18 U.S.C. § 1028(f). Upon
23 request, the United States will produce to counsel for the defendant discovery that contains
24 personal identifying information, including social security numbers, birth dates and driver's
25 license numbers, and private financial information, including account numbers, pertaining to the
26 victims in this case. Pursuant to Federal Rule of Criminal Procedure 16, the government requests
27 that disclosure of these materials be subject to the following restrictions:

28 1. Except when being actively examined for the purpose of the preparation of

PROTECTIVE ORDER
[07-00488 CW]

1 the defense of defendant Levi Enriquez, the documents containing personal identifying and
2 private financial information of third parties produced by the government to defense counsel
3 shall be maintained in a locked, safe, and secure drawer, cabinet, or safe which is accessible only
4 to defense counsel, members of his or her law firm who are working with him or her to prepare
5 the defendant's defense, and his or her investigator. Defense counsel, members of his or her law
6 firm, the defendant, and the investigator shall not permit any person access of any kind to the
7 documents or disclose in any manner the personal identifying and private financial information
8 of third parties except as set forth below.

9 2. The following individuals may examine the documents and information
10 related to the personal identifying and private financial information of third parties for the sole
11 purpose of preparing the defense of defendant Levi Enriquez and for no other purpose:

- 12 a) Counsel for defendant;
- 13 b) Members of the defendant's law office who are assisting with the
14 preparation of Levi Enriquez's defense;
- 15 c) Defendant Levi Enriquez, but only in the presence of defense
16 counsel or another authorized person listed in this paragraph;
- 17 d) Investigators retained by the defendant to assist in the defense of
18 this matter.

19 If defense counsel determines that additional persons are needed to review the material, he or she
20 must obtain a further order of the Court before allowing any other individual to review the
21 material.

22 3. A copy of this order shall be maintained with the documents at all times.

23 4. All individuals other than defense counsel and the defendant who receive
24 access to the materials pursuant to this Order, prior to receiving access to the materials, shall sign
25 a copy of this Order acknowledging that

- 26 a) they have reviewed the Order;
- 27 b) they understand its contents;
- 28 c) they agree that they will only access the documents and

1 information for the purposes of preparing a defense for defendant
2 Levi Enriquez;

3 d) they understand that failure to abide by this Order may result in
4 sanctions by this Court.

5 Counsel for the defendant shall promptly file signed copies of the Order, ex parte and under seal.
6 The government shall have no access to these signed copies without further order of the District
7 Court.

8 5. No other person may be allowed to examine the material without further
9 court order. Examination of the documents shall be done in a secure environment which will not
10 expose the materials to other individuals not listed above.

11 6. Documents such as word processing files, e-mails, and other text files may
12 be duplicated to the extent necessary to prepare the defense of this matter.

13 7. Any pleadings that reveal the personal identifying or private financial
14 information of third parties, either by attaching copies of documents containing that information
15 or referencing that information, shall be redacted to prevent the disclosure of such information or
16 filed under seal.

17 8. Within five court days of the judgement and sentencing hearing in this
18 matter, all material provided to defense counsel pursuant to this Order, and all other authorized
19 copies, if any, shall be returned to the Government. The Government shall destroy them. If

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1 defendant believes that he or she must maintain the material for any reason related to appeal,
2 defendant must seek authorization from the District Court within five days of the sentencing and
3 judgement in this matter.

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5 STIPULATED:

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7 DATED: 9/12/07


LAURA ROBINSON
Attorney for Defendant Levi Enriquez

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10 DATED: 9/12/07


KESLIE STEWART
Assistant United States Attorney

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13 IT IS SO ORDERED that disclosure of the above-described discovery materials
14 shall be restricted as set forth above.

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16 DATED:

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WAYNE D. BRAZIL
United States District Court Judge